

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: DAVOL, INC./C.R. BARD, INC.,  
POLYPROPYLENE HERNIA MESH  
PRODUCTS LIABILITY LITIGATION**

**Case No. 2:18-md-2846**

**CHIEF JUDGE EDMUND A. SARGUS, JR.  
Magistrate Judge Kimberly A. Jolson**

**This document relates to:  
JEREMIAH THIXTON**

**Civil Action No. 21-5329**

**SHORT FORM COMPLAINT**

Plaintiff(s) file(s) this Short Form Complaint pursuant to Case Management Order No. 9 and is/are to be bound by the rights, protections, and privileges and obligations of that Order. Plaintiff(s) hereby incorporate(s) the Master Complaint in MDL No. 2846 by reference. Plaintiff(s) further show(s) the Court as follows:

1. The name of the person implanted with Defendants' Hernia Mesh Device(s):

**Jeremiah Thixton**

2. The name of any Consortium Plaintiff (if applicable):

**Tonya Thixton**

3. Other Plaintiff(s) and Capacity (i.e., administrator, executor, guardian, conservator):

**Not Applicable**

4. State of Residence:

**South Carolina**

5. District Court and Division in which action would have been filed absent direct filing:

**United States District Court, District of South Carolina**

6. Defendants (Check Defendants against whom Complaint is made):

- ☒ A. Davol, Inc.
- ☒ B. C.R. Bard, Inc.
- ☐ C. Other (please list: \_\_\_\_\_)

7. Identify which of Defendants' Hernia Mesh Device(s) was/were implanted (Check device(s) implanted):

- ☐ 3DMax Mesh
- ☐ 3DMax Light Mesh
- ☐ Bard (Marlex) Mesh Dart
- ☒ Bard Mesh
- ☒ Bard *Soft* Mesh
- ☐ Composix
- ☐ Composix E/X
- ☐ Composix Kugel Hernia Patch
- ☐ Composix L/P
- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☐ Perfix Light Plug
- ☐ PerFix Plug
- ☐ Sepramesh IP
- ☐ Sperma-Tex
- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch

- ☐ Ventralight ST
- ☐ Ventrío Patch
- ☐ Ventrío ST
- ☐ Visilex
- ☒ Other (please list in space provided below):

**Bard Mesh Pre Shaped, lot number: HUAU0258**

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8. Defendants' Hernia Mesh Device(s) about which Plaintiff is making a claim (Check applicable device(s)):

- ☐ 3DMax Mesh
- ☐ 3DMax Light Mesh
- ☐ Bard (Marlex) Mesh Dart
- ☒ Bard Mesh
- ☒ Bard *Soft* Mesh
- ☐ Composix
- ☐ Composix E/X
- ☐ Composix Kugel Hernia Patch
- ☐ Composix L/P
- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☐ Perfix Light Plug
- ☐ PerFix Plug

- ☐ Sepramesh IP
- ☐ Sperma-Tex
- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch
- ☐ Ventralight ST
- ☐ Ventrion Patch
- ☐ Ventrion ST
- ☐ Visilex
- ☒ Other (please list in space provided below):

**Bard Mesh pre-shaped, lot number: HUAU0258**

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9. Date of Implantation and state of implantation: **09/02/2020**
10. As of the date of filing this Short Form Complaint, has the person implanted with Defendants' Hernia Mesh Device(s) had subsequent surgical intervention due to the Hernia Mesh Device(s)?: Yes **X** No \_\_\_\_\_
11. Basis of Jurisdiction:
- ☒ Diversity of Citizenship
  - ☐ Other: \_\_\_\_\_
12. Counts in the Master Complaint adopted by Plaintiff(s):
- ☒ Count I – Strict Product Liability- Defective Design
  - ☒ Count II – Strict Product Liability- Failure to Warn
  - ☒ Count III – Strict Product Liability- Manufacturing Defect
  - ☒ Count IV– Negligence

- ☒ Count V– Negligence Per Se
- ☒ Count VI– Gross Negligence
- ☐ Count VII – State Consumer Protection Laws (Please identify applicable State Consumer Protection law(s)):

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- ☒ Count VIII – Breach of Implied Warranty
- ☒ Count IX – Breach of Express Warranty
- ☒ Count X – Negligent Infliction of Emotional Distress
- ☒ Count XI – Intentional Infliction of Emotional Distress
- ☒ Count XII – Negligent Misrepresentation
- ☒ Count XIII – Fraud and Fraudulent Misrepresentation
- ☒ Count XIV – Fraudulent Concealment
- ☐ Count XV – Wrongful Death
- ☒ Count XVI – Loss of Consortium
- ☒ Count XVII – Punitive Damages
- ☐ Other Count(s) (please identify and state factual and legal bases for other claims not included in the Master Complaint below):

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- ☒ Jury Trial is Demanded as to All Counts
- ☐ Jury Trial is NOT Demanded as to All Counts; if Jury Trial is Demanded as to Any Count(s), identify which ones (list below):

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**/s/ Edward F. (Ted) Luby**

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Edward F. (Ted) Luby, #48857

Attorney(s) for Plaintiff

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